Notices of Supplemental Proposed Rulemaking

NOTICES OF SUPPLEMENTAL PROPOSED RULEMAKING

After an agency has filed a Notice of Proposed Rulemaking with the Secretary of State's Office for Register publication and the agency decides to make substantial changes to the rule after it is proposed, the agency must prepare a Notice of Supplemental Proposed Rulemaking for submission to the Office, and the Secretary of State shall publish the Notice under the Administrative Procedure Act (A.R.S. § 41-1001 et seq.). Publication of the Notice of Supplemental Proposed Rulemaking shall appear in the Register before holding any oral proceedings (A.R.S. § 41-1022).

NOTICE OF SUPPLEMENTAL PROPOSED RULEMAKING

TITLE 17. TRANSPORTATION

CHAPTER 4. DEPARTMENT OF TRANSPORTATION TITLE, REGISTRATION, AND DRIVER LICENSES

Editor's Note: The following Notice of Proposed Rulemaking was reviewed per Laws 2009, 3rd Special Session, Ch. 7, § 28. (See the text of § 28 at 15 A.A.R. 1942, November 20, 2009.) The Governor's Office authorized the notice to proceed through the rulemaking process on November 30, 2009.

[R10-92]

PREAMBLE

The Register citation and dates for the Notice of Rulemaking Docket Opening, the Notice of Proposed Rulemaking, and any Notices of Supplemental Proposed Rulemaking, if applicable:

Notice of Rulemaking Docket Opening: 15 A.A.R. 2149, December 25, 2009

Notice of Proposed Rulemaking: 16 A.A.R. 99, January 15, 2010

2. Sections Affected **Rulemaking Action**

R17-4-402 Amend R17-4-403 New Section R17-4-409 Amend

3. The statutory authority for the rulemaking, including both the authorizing statute (general) and the statutes the rules are implementing (specific):

Authorizing statute: A.R.S. § 28-366

Implementing statutes: A.R.S. §§ 28-3002(A)(7) and 28-3165

The name and address of agency personnel with whom persons may communicate regarding the rulemaking:

Name: Dora Vasquez, Administrative Rules Supervisor

Address: Administrative Rules Unit

Department of Transportation, Motor Vehicle Division

1801 W. Jefferson St., Mail Drop 530M

Phoenix, AZ 85007

Telephone: (602) 712-8159 Fax: (602) 712-3081 E-mail:

dvasquez@azdot.gov

Please visit the ADOT web site to track progress of this rule and any other agency rulemaking matters at www.azdot.gov/mvd/MVDRules/rules.asp.

An explanation of the rules, including the agency's reasons for initiating the rulemaking:

The Arizona Department of Transportation, Motor Vehicle Division, engages in this rulemaking to amend existing rules with conforming language and to prescribe the fees associated with a duplicate driver license or a nonoperating identification license as required under Laws 2009, Ch. 3, § 6.

An explanation of the substantial change which resulted in this supplemental notice:

After an agency review, the Department found that the proposed \$8 fee does not provide adequate cost recovery for producing a duplicate driver license or nonoperating identification license.

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7. A showing of good cause why the rules are necessary to promote a statewide interest if the rules will diminish a previous grant of authority of a political subdivision of this state:

Not applicable

8. The preliminary summary of the economic, small business, and consumer impact:

The Division anticipates, as a result of this rulemaking, a minimal economic impact to qualified persons seeking to obtain a duplicate driver license or a duplicate nonoperating identification license. Costs include a fee for each application of a duplicate license under A.R.S. § 28-3002(7).

9. The name and address of agency personnel with whom persons may communicate regarding the accuracy of the economic, small business, and consumer impact statement:

See item 4.

10. The time, place, and nature of the proceedings for the making, amendment, or repeal of the rule or, if no proceeding is scheduled, where, when, and how persons may request an oral proceeding on the proposed rule:

Date: August 18, 2010

Time: 3:00 p.m.

Location: 1801 W. Jefferson St., Rm. 403

Phoenix, AZ 85007

Nature: Oral Proceeding/Public Hearing

The public record for this rulemaking will close at 5:00 p.m. on August 18, 2010.

11. Any other matters prescribed by statute that are applicable to the specific agency or to any specific rule or class of rules:

None

12. Incorporations by reference and their location in the rules:

None

13. The full text of the changes follows:

TITLE 17. TRANSPORTATION

CHAPTER 4. DEPARTMENT OF TRANSPORTATION TITLE, REGISTRATION, AND DRIVER LICENSES

ARTICLE 4. DRIVER LICENSES

Section	
R17-4-402.	Restricted Permit During a Financial Responsibility (Accident) Suspension
R17-4-403.	Reserved Application for Duplicate Driver License or Duplicate Nonoperating Identification License; Fees
R17-4-409.	Application for License for Identification Purposes Only: Nonoperating Identification License; Fees

ARTICLE 4. DRIVER LICENSES

R17-4-402. Restricted Permit During a Financial Responsibility (Accident) Suspension

- **A.** An applicant for a restricted permit shall:
 - 1. Have no withdrawal action other than the financial responsibility (accident) suspension;
 - 2. Provide an SR22 Certificate of Insurance as proof of future financial responsibility that must be kept in force for three consecutive years after the effective date of the financial responsibility (accident) suspension;
 - 3. Pay the \$10 driving privilege reinstatement fee under A.R.S. § 28-4144(C)(2)(b); and
 - 4. For a vehicle specified under subsection (A)(2): Pay the \$25 motor vehicle registration and license plate reinstatement fee under A.R.S. § 28-4144(C)(2)(b) or provide evidence of sale pursuant to A.R.S. § 28-4143,
 - a. Pay the \$25 vehicle registration reinstatement fee under A.R.S. § 28-4144(C)(2)(b), or
 - b. Provide proof the vehicle was sold;
 - 5. Pay the driving privilege reinstatement application fee under A.R.S. § 28-3002(A)(2), and
 - 6. Satisfy any applicable subsection (C) requirement requirements of A.R.S. § 28-4033(A)(2)(c) or A.R.S. § 28-4144(C).
- **B.** In addition to subsection (A) during a financial responsibility (accident) suspension, a restricted permit applicant may:
 - 1. Apply for an original or renew an Arizona driver license by:
 - a. Complying with A.R.S. §§ 28-3153, 28-3158, or 28-3171; and

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- b. Paying the application fee under A.R.S. § 28-3002(A)(2) determined by the applicant's age on the application date; or
- 2. Obtain a duplicate Arizona driver license by paying the \$4 \$12 duplicate driver license application fee under A.R.S. \$ 28-3002(A)(7).
- C. At the end of the financial responsibility (accident) suspension, the Division shall immediately remove the driving privilege restriction from the Arizona driving record when the person surrenders an expired restricted permit to the Division.

R17-4-403. Reserved Application for Duplicate Driver License or Duplicate Nonoperating Identification License; Fees

- An applicant shall apply to the Division, on a form provided by the Division, for a duplicate driver license or a duplicate nonoperating identification license.
- **B.** The fee for the duplicate driver license or duplicate nonoperating identification license issued by the Department is \$12 under A.R.S. § 28-3002(A)(7).

R17-4-409. Application for License for Identification Purposes Only: Nonoperating Identification License: Fees

- A. An applicant shall apply to the Division, on a form provided by the Division, for a License for Identification Purposes Only nonoperating identification license, and shall comply with the requirements under A.R.S. § 28-3165.
- **B.** Satisfactory proof of an applicant's name and date of birth may be established by any of the following:
 - 1. Birth certificate,
 - 2. Citizenship papers,
 - 3. Passport,
 - 4. School identification,
 - 5. Military discharge papers, or
 - 6. Military I.D. card.
- C. The following fees shall be paid: An applicant shall pay a \$12 fee for a nonoperating identification license.
 - 1. For filing each application for license for identification purposes only \$12.00.
 - 2. The fee for replacing a lost or destroyed identification card -- \$4.00.